

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**JOHN ANDRADE**  
*Plaintiff*

**VS.**

**ANDREX LOGISTICS INC, AND  
JASON RICHARD LAZIER**  
*Defendants*

[illegible]

**CIVIL ACTION NO. 5:21-cv-130**

## JURY

**PLAINTIFF'S ORIGINAL COMPLAINT**

**COMES NOW**, JOHN ANDRADE (“ANDRADE”), Plaintiff, and complains of ANDREX LOGISTICS INC and JASON RICHARD LAZIER (“LAZIER”), Defendants, and for cause of action states:

## JURISDICTION AND VENUE

1. This Court has jurisdiction of this cause based upon diversity of the parties, as provided by 28 U.S.C. 1332, in that it is between citizens of different States and the amount in controversy exceeds \$75,000. Venue is proper in the United States District Court for the Western District of Texas, as a substantial part of the events giving rise to the claim occurred in the Western District of Texas; 28 U.S.C. 1391(b)(2).

**PARTIES**

2. Plaintiff, ANDRADE, is a citizen of the State of Texas and resides in Bexar County, Texas.

3. Defendant, ANDREX LOGISTICS INC, is a corporation with its principle place of business in Will County, Frankfort, Illinois. ANDREX LOGISTICS INC may be served with

citation by serving its registered agent for process, Robert P. Groszek, 3601 N. Pulaski Rd, Chicago, Illinois 60641.

4. Defendant JASON RICHARD LAZIER is an individual residing in Logan County, West Virginia. LAZIER may be served with citation by serving him at 173 Nichols Branch Road, Lake, West Virginia 25121.

### **FACTUAL ALLEGATIONS**

5. On or about August 14, 2020, Plaintiff JOHN ANDRADE was driving his company vehicle westbound on IH-10 in Kerr County, Texas. Defendant LAZIER, driving his tractor-trailer combination also westbound on IH-10 behind Plaintiff, suddenly struck Plaintiff's vehicle from the rear. Plaintiff sustained injuries and damages and seeks compensation for same through this lawsuit.

### **CAUSE OF ACTION – NEGLIGENCE ACTS AND OMISSIONS OF DEFENDANT JASON RICHARD LAZIER**

6. At the time of the collision in question Defendant LAZIER failed to use ordinary care by various acts and omissions, including, but not limited to, failing to maintain a proper lookout, failing to properly and timely apply his brakes, failing to keep an assured clear distance, operating his vehicle at an unsafe speed under the circumstances, failing to drive within a single lane and changing lanes when unsafe, and other acts and omissions, each and all of which were negligent and a proximate cause of occurrence and of the injuries and damages to Plaintiff ANDRADE.

### **RESPONDEAT SUPERIOR**

7. At the time of the collision, Defendant LAZIER was an employee, agent, or representative of Defendant ANDREX LOGISTICS INC and was acting in the course and scope of his employment with Defendant ANDREX LOGISTICS INC, which is therefore liable for the negligence of Defendant LAZIER.

### **DAMAGES**

8. Plaintiff's damages include one or more of the following:

- a. Reasonable and necessary medical expenses in the past;
- b. Reasonable and necessary medical expenses which, in reasonable probability, he will suffer in the future;
- c. Physical pain and mental anguish in the past;
- d. Physical pain and mental anguish which, in reasonable probability, he will suffer in the future;
- e. Physical impairment in the past;
- f. Physical impairment which, in reasonable probability, he will suffer in the future;
- g. Loss of wage earning capacity in the past;
- h. Loss of wage earning capacity in the future; and
- i. Disfigurement..

9. Plaintiff's damages exceed the sum of \$75,000.00. Plaintiff ANDRADE seeks a judgment in his favor with regard to the claims pleaded herein, including all compensatory damages, special and consequential damages necessary to make Plaintiff whole.

### **JURY DEMAND**

10. Plaintiff respectfully requests a jury trial.

**PRAYER**

WHEREFORE, Plaintiff ANDRADE prays Defendants be served with process and that on final trial, the Court render judgment in favor of the Plaintiff for:

1. Actual damages;
2. All Costs of Court;
3. Both pre-judgment and post-judgment interest to the extent allowed by law and at the maximum legal rate; and
4. Such other and further relief, both general and special, at law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

**DAVIS LAW FIRM**

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/s/ Richard F. Neville, III

By: \_\_\_\_\_  
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